

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JAMEL MCKELVEY,

Plaintiff,

v.

Case No. 3:13-cv-22206

**WRJ STAFF, WESTERN
REGIONAL JAIL, et al.,**

Defendants.

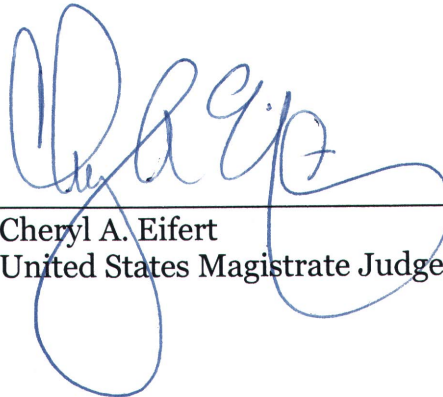
MEMORANDUM OPINION AND ORDER SEALING EXHIBIT

Plaintiff has filed an exhibit in support of his Motion to Compel in the instant matter. The exhibit pertains to a document concerning HIPAA Authorization for which privacy protection redactions should have been made, but were not made as required by Fed.R.Civ.P 5.2 and the Local Rules of this District. (ECF No. 99). Due to the highly confidential nature of the exhibit, this Court **ORDERS** the exhibit to be sealed. The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the exhibit shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to

interested members of the public. The Court has considered less drastic alternatives to sealing the document, but in view of the highly confidential and specially protected nature of the record, as well as the extent of the private information contained therein, no such alternatives are feasible at this time. Moreover, the exhibit pertains to highly personal matters which have no particular relevance to the general public. Accordingly, the Court finds that sealing the exhibit until proper redactions can be made does not unduly or significantly prejudice the public's right to access them.

The Clerk is instructed to provide a copy of this Order to the Plaintiff and to counsel of record. In addition, the sealed exhibit should be provided to Anspach Meeks Ellenberger LLC.

ENTERED: July 31, 2014



Cheryl A. Eifert
United States Magistrate Judge